

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEDRICK DEWAYNE ALTHEIMER,

Plaintiff,

v.

PIERCE COUNTY, WASHINGTON, and
PIERCE COUNTY SHERIFF EDWARD C.
TROYER, (a/k/a Ed Troyer), in his individual
and official capacity,

Defendants.

Case No. 2:21-cv-01437-RSM

**PLAINTIFF'S REQUEST
TO PERMIT ENTRY UPON
DEFENDANT SHERIFF EDWARD
C. TROYER'S PROPERTY AND
DEFENDANT'S OBJECTIONS AND
RESPONSE THERETO**

TO: PIERCE COUNTY SHERIFF EDWARD C. TROYER, (a/k/a Ed Troyer), in his individual
and official capacity, Defendant; and

TO: L. CLAY SELBY and ERIC F. SCHACHT, counsel for Defendant SHERIFF EDWARD C.
TROYER, (a/k/a Ed Troyer), in his individual and official capacity.

Pursuant to Fed. R. Civ. P. 34(a)(2), Plaintiff Sedrick Dewayne Altheimer requests that
Defendant Sheriff Edward C. Troyer permit Plaintiff and his attorneys, Vonda M. Sargent and Susan
B. Mindenbergs, to enter Defendant Troyer's residential property located at 2901 Vista View Drive,
Tacoma, Washington 98407 ("residential property") on **Friday, September 29, 2023, at 9:00 p.m.**

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THE LAW OFFICES OF VONDA M. SARGENT
119 FIRST AVE. S., STE. 500
SEATTLE, WA 98104-2564
TEL: (206) 838-4970
FAX: (206) 682-3002

1 for the purposes described below:

2 **REQUEST NO. 1:** Plaintiff and Plaintiff's attorneys be permitted to inspect, measure, and
 3 photograph the location, home, yard, out buildings, and fixtures which constitute the residential
 4 property relevant to this matter. This request seeks entry onto the residential property made by
 5 Plaintiff, his attorneys, an investigator, and a photographer of the Plaintiff's choosing. Plaintiff will
 6 bring equipment for measuring, photographing, video recording, and otherwise inspecting said
 7 residential property. Plaintiff anticipates the measurement may take up to two (2) full hours but is
 8 likely to be much faster.

9 **RESPONSE:** Defendant Troyer objects to Plaintiff's Request to Permit Entry onto
 10 Defendant Troyer's Property ("Request to Inspect") for the following reasons:

11 Plaintiff's request serves no legitimate discovery purpose. Plaintiff seeks information that
 12 is neither relevant nor proportional to the needs of this case. The facts upon which Plaintiff bases
 13 his causes of action allegedly occurred several blocks from Defendant Troyer's residence, at a vastly
 14 different time of year, and a much later hour. The burden that this Request to Inspect places upon
 15 Defendant Troyer and his family far outweighs its likely benefit.

16 Additionally, Plaintiff's Request to Inspect is intended to intimidate, harass, and/or
 17 embarrass Defendant Troyer, his wife, and other family members. As such, this Request is vexatious
 18 and brought in bad faith. Moreover, the Request to Inspect is vague and unduly burdensome because
 19 it does not identify the purported need or basis for such inspection, the proposed scope of such
 20 inspection, or the limits upon such inspection. Instead, Plaintiff demands unfettered access to
 21 Defendant Troyer's house, yard, outbuildings, and fixtures, none of which are relevant to the claims
 22 or defenses alleged in this lawsuit.

23 Defendant Troyer objects to this Request to Inspect because it violates his right to privacy,
 24 along with that of his wife, Wendy Kaleiwahea, and their other family members. Plaintiff seeks
 25 unfettered access to the Troyers' residence on a Friday night for up to two hours without explanation
 26

1 or legitimate basis. Again, the burden that this Request to Inspect places upon Defendant Troyer
2 and his family far outweighs its likely benefit.

3 Defendant Troyer objects to this Request to Inspect because of legitimate concerns about his
4 safety and that of his family. Since Plaintiff filed this lawsuit, media and private citizens have
5 targeted Defendant Troyer for alleged, but unproven, bad acts. In this age of targeted attacks on
6 public officials – including at their residences – Defendant Troyer is reasonably concerned that
7 allowing Plaintiff and other unidentified persons access to his residence could and would lead to the
8 leak of private, confidential details such as the internal layout of Defendant Troyer's house,
9 measurements within the residence, identification and location of personal property, etc. Given the
10 very real danger that could come from dissemination of such information, the prejudicial effect of
11 this Request to Inspect far outweighs any benefit of such discovery.

12 Defendant Troyer objects to this Request to Inspect because it is unduly burdensome and
13 exposes himself and his family to potential liability in that Defendant Troyer's residence is in the
14 midst of a remodel. Flooring has been removed in the interior, and in places boards are covering
15 exposed holes. Rails on the exterior deck have been removed as well.

16 Finally, Defendant Troyer objects to this Request to Inspect because it is scheduled for a
17 date on which his attorney is unavailable as noted in a Notice of Unavailability filed and served on
18 August 22, 2023. Dkt 36.

19 Based on the foregoing objections, and reserving all other rights and defenses, Defendant
20 Troyer rejects Plaintiff's Request to Inspect.

21 DATED this 29th day of August 2023.

22 By: /s/ Vonda M. Sargent

23 Vonda M. Sargent, WSBA #24552
24 The Law Offices of Vonda M. Sargent
25 119 First Avenue South, Suite 500
26 Seattle, WA 98104
Telephone: (206) 838-4970
Facsimile: (206) 682-3002

Email: sisterlaw@me.com

By: /s/ Susan B. Mindenbergs

Susan B. Mindenbergs, WSBA #20545

Law Office of Susan B. Mindenbergs

705 Second Avenue, Suite 1050

Seattle, WA 98104

Telephone: (206) 447-1560

Facsimile: (206) 447-1523

Email: susanmm@msn.com

Attorneys for Plaintiff

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DEFENDANT TROYER'S VERIFICATION

STATE OF WASHINGTON

CITY/COUNTY OF Pierce, to-wit:

Edward C. Troyer, being first duly sworn upon oath, deposes and states as follows:

That I am a Defendant herein; that I have read the foregoing response to Plaintiff's Request to Permit Entry Upon Defendant Sheriff Edward C. Troyer's Property, know the contents thereof, and represent the same to be true and complete.


I certify (or declare) under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

Dated this 26 day of September 2023, in Fircrest, Washington.



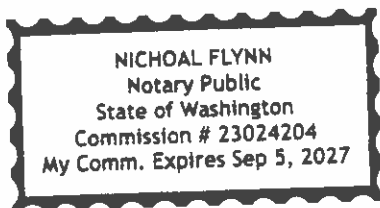
Edward C. Troyer, Defendant

Subscribed and sworn to before me this 26 day of September 2023.



(Signature)
Nicholas Flynn

(Printed Name)



NOTARY PUBLIC in and for the State of Washington
My Commission Expires: September 2027

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2023, the undersigned caused a true and correct copy of the foregoing document to be served in the manner indicated below upon the following individual(s):

L. Clay Selby, WSBA #26049
Eric F. Schacht, WSBA #56342
Ledger Square Law, P.S.
710 Market Street
Tacoma, WA 98402
Telephone: (253) 327-1900
Facsimile: (253) 327-1700
Email: Clay@LedgerSquareLaw.com
Email: Eric@LedgerSquareLaw.com
Attorneys for Defendant Edward C. Troyer

☐ Legal Messenger
☐ USPS First Class Mail
☐ Facsimile
☒ Electronic Mail
☐ UPS Shipping
☐ CM/ECF

Gregory E. Jackson, WSBA #17541
Jackson & Nicholson, P.S.
900 SW 16th Street, Suite 215
Renton, WA 98057
Telephone: (206) 582-6001
Facsimile: (206) 466-6085
Email: Greg@jnseattle.com
Attorney for Defendant Pierce County, WA

☐ Legal Messenger
☐ USPS First Class Mail
☐ Facsimile
☒ Electronic Mail
☐ UPS Shipping
☐ CM/ECF

The foregoing statement is made under the penalty of perjury under the laws of the State of Washington and is true and correct.

DATED this 29th day of August 2023.

By: /s/ Christine A. Tobin
Christine A. Tobin, *Paralegal*
Law Office of Susan B. Mindenbergs
705 Second Avenue, Suite 1050
Seattle, WA 98104
Telephone: (206) 447-1560
Facsimile: (206) 447-1523
Email: christine@sbmlaw.net

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